

Calendar No. 792

108TH CONGRESS
2D SESSION

S. 2488

[Report No. 108–401]

To establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 2, 2004

Mr. INOUE (for himself, Mr. STEVENS, Mr. HOLLINGS, Ms. CANTWELL, Mr. BREAUX, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

OCTOBER 11, 2004

Reported by Mr. MCCAIN, without amendment

A BILL

To establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marine Debris Re-
5 search and Reduction Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress makes the following
8 findings:

9 (1) The oceans, which comprise nearly three
10 quarters of the Earth’s surface, are an important
11 source of food and provide a wealth of other natural
12 products that are important to the economy of the
13 United States and the world.

14 (2) Ocean and coastal areas are regions of re-
15 markably high biological productivity, are of consid-
16 erable importance for a variety of recreational and
17 commercial activities, and provide a vital means of
18 transportation.

19 (3) Ocean and coastal resources are limited and
20 susceptible to change as a direct and indirect result
21 of human activities, and such changes can impact
22 the ability of the ocean to provide the benefits upon
23 which the Nation depends.

24 (4) Marine debris, including plastics, derelict
25 fishing gear, and a wide variety of other objects, has

1 a harmful and persistent effect on marine flora and
2 fauna and can have adverse impacts on human
3 health and navigation safety.

4 (5) Marine debris is also a hazard to naviga-
5 tion, putting mariners and rescuers, their vessels,
6 and consequently the marine environment at risk,
7 and can cause economic loss due to entanglement of
8 vessel systems.

9 (6) Modern plastic materials persist for decades
10 in the marine environment and therefore pose the
11 greatest potential for long-term damage to the ma-
12 rine environment.

13 (7) Lack of knowledge and data on the source,
14 movement, and effects of plastics and other marine
15 debris in marine ecosystems has hampered efforts to
16 develop effective approaches for addressing marine
17 debris.

18 (8) Lack of resources, priority attention to this
19 issue, and coordination at the Federal level has un-
20 dermined the development and implementation of a
21 Federal program to address marine debris, both do-
22 mestically and internationally.

23 (b) PURPOSES.—The purposes of this Act are—

24 (1) to establish programs within the National
25 Oceanic and Atmospheric Administration and the

1 United States Coast Guard to help identify, assess,
2 reduce, and prevent marine debris and its adverse
3 impacts on the marine environment and navigation
4 safety, in coordination with other Federal and non-
5 Federal entities;

6 (2) to re-establish the Inter-agency Marine De-
7bris Coordinating Committee to ensure a coordinated
8 government response across Federal agencies;

9 (3) to develop a Federal information clearing-
10 house to enable researchers to study the scale and
11 impact of marine debris more efficiently; and

12 (4) to take appropriate action in the inter-
13 national community to prevent marine debris and re-
14 duce concentrations of existing debris on a global
15 scale.

16 **SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL**
17 **PROGRAM.**

18 (a) ESTABLISHMENT OF PROGRAM.—There is estab-
19 lished, within the National Oceanic and Atmospheric Ad-
20 ministration, a Marine Debris Prevention and Removal
21 Program to reduce and prevent the occurrence and ad-
22 verse impacts of marine debris on the marine environment
23 and navigation safety.

1 (b) PROGRAM COMPONENTS.—Through the Program,
2 the Under Secretary for Oceans and Atmosphere (Under
3 Secretary) shall carry out the following activities:

4 (1) MAPPING, IDENTIFICATION, IMPACTS, RE-
5 MOVAL, AND PREVENTION.—The Under Secretary
6 shall, in consultation with relevant Federal agencies,
7 undertake marine debris mapping, identification, im-
8 pact assessment, prevention, and removal efforts,
9 with a focus on marine debris posing a threat to liv-
10 ing marine resources (particularly endangered or pro-
11 tected species) and navigation safety, including—

12 (A) the establishment of a process for
13 cataloguing and maintaining an inventory of
14 marine debris and its impacts found in the
15 United States navigable waters and the United
16 States exclusive economic zone, including loca-
17 tion, material, size, age, and origin, and im-
18 pacts on habitat, living marine resources,
19 human health, and navigation safety;

20 (B) measures to identify the origin, loca-
21 tion, and projected movement of marine debris
22 within the United States navigable waters and
23 the United States exclusive economic zone, in-
24 cluding the use of oceanographic, atmospheric,
25 satellite, and remote sensing data; and

1 (C) development and implementation of
2 strategies, methods, priorities, and a plan, for
3 removing marine debris from United States
4 navigable waters and within the United States
5 exclusive economic zone, including development
6 of local or regional protocols for removal of dere-
7 licit fishing gear.

8 (2) REDUCING AND PREVENTING LOSS OF
9 GEAR.—The Under Secretary shall improve efforts
10 and actively seek to prevent and reduce commercial
11 fishing gear losses, as well as to reduce adverse im-
12 pacts of such gear on living marine resources and
13 navigation safety, including—

14 (A) research and development of alter-
15 natives to gear posing threats to the marine en-
16 vironment, and methods for marking gear used
17 in specific fisheries to enhance the tracking and
18 identification of lost gear; and

19 (B) development of voluntary or manda-
20 tory management measures to reduce the loss
21 and discard of commercial fishing gear, such as
22 incentive programs, observer programs, toll-free
23 reporting hotlines, and computer-based notifica-
24 tion forms.

1 (3) OUTREACH.—The Under Secretary shall
2 undertake outreach and education of stakeholders,
3 including the fishing, gear manufacturers, and other
4 marine-dependent industries, on threats associated
5 with marine debris and approaches to identify, pre-
6 vent, mitigate, monitor, and remove marine debris,
7 including outreach and education activities through
8 public-private initiatives. The Under Secretary shall
9 coordinate outreach and education activities under
10 this paragraph with any outreach programs con-
11 ducted under section 2204 of the Marine Plastic
12 Pollution Research and Control Act of 1987 (33
13 U.S.C. 1915).

14 (c) GRANTS.—

15 (1) IN GENERAL.—The Under Secretary shall
16 provide financial assistance, in the form of grants,
17 through the Program for projects to accomplish the
18 purposes of this Act.

19 (2) 50 PERCENT MATCHING REQUIREMENT.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), Federal funds for any
22 project under this section may not exceed 50
23 percent of the total cost of such project. For
24 purposes of this subparagraph, the non-Federal

1 share of project costs may be provided by in-
 2 kind contributions and other noncash support.

3 (B) WAIVER.—The Under Secretary may
 4 waive all or part of the matching requirement
 5 under subparagraph (A) if the Under Secretary
 6 determines that no reasonable means are avail-
 7 able through which applicants can meet the
 8 matching requirement and the probable benefit
 9 of such project outweighs the public interest in
 10 such matching requirement.

11 (3) AMOUNTS PAID AND SERVICES RENDERED
 12 UNDER CONSENT.—

13 (A) CONSENT DECREES AND ORDERS.—
 14 The non-Federal share of the cost of a project
 15 carried out under this Act may include money
 16 paid pursuant to, or the value of any in-kind
 17 service performed under, an administrative
 18 order on consent or judicial consent decree that
 19 will remove or prevent marine debris.

20 (B) OTHER DECREES AND ORDERS.—The
 21 non-Federal share of the cost of a project car-
 22 ried out under this Act may not include any
 23 money paid pursuant to, or the value of any in-
 24 kind service performed under, any other admin-
 25 istrative order or court order.

1 (4) ELIGIBILITY.—Any natural resource man-
2 agement authority of a State or other government
3 authority whose activities directly or indirectly affect
4 research or regulation of marine debris, and any
5 educational or nongovernmental institutions with
6 demonstrated expertise in a field related to marine
7 debris, are eligible to submit to the Under Secretary
8 a marine debris proposal under the grant program.

9 (5) GRANT CRITERIA AND GUIDELINES.—With-
10 in 180 days after the date of enactment of this Act,
11 the Under Secretary shall promulgate necessary
12 guidelines for implementation of the grant program,
13 including development of criteria and priorities for
14 grants. In developing those guidelines, the Under
15 Secretary shall consult with—

16 (A) the Interagency Marine Debris Com-
17 mittee;

18 (B) regional fishery management councils
19 established under the Magnuson-Stevens Fish-
20 ery Conservation and Management Act (16
21 U.S.C. 1801 et seq.);

22 (C) State, regional, and local entities with
23 marine debris experience;

24 (D) marine-dependent industries; and

1 (E) non-governmental organizations in-
2 volved in marine debris research and mitigation
3 activities (including activities regarding com-
4 mercial fishing gear).

5 (6) PROJECT REVIEW AND APPROVAL.—The
6 Under Secretary shall review each marine debris
7 project proposal to determine if it meets the grant
8 criteria and supports the goals of the Act. Not later
9 than 120 days after receiving a project proposal
10 under this section, the Under Secretary shall—

11 (A) provide for external merit-based peer
12 review of the proposal;

13 (B) after considering any written com-
14 ments and recommendations based on the re-
15 view, approve or disapprove the proposal; and

16 (C) provide written notification of that ap-
17 proval or disapproval to the person who sub-
18 mitted the proposal.

19 (7) PROJECT REPORTING.—Each grantee under
20 this section shall provide periodic reports as required
21 by the Under Secretary. Each report shall include all
22 information required by the Under Secretary for
23 evaluating the progress and success of the project.

1 **SEC. 4. COAST GUARD PROGRAM.**

2 The Commandant of the Coast Guard shall, in co-
3 operation with the Under Secretary, undertake measures
4 to reduce violations of MARPOL Annex V and the Act
5 to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)
6 with respect to the discard of plastics and other garbage
7 from vessels. The measures shall include—

8 (1) the development of a strategy to improve
9 monitoring and enforcement of current laws, as well
10 as recommendations for statutory or regulatory
11 changes to improve compliance and for the develop-
12 ment of any appropriate amendments to MARPOL;

13 (2) regulations to improve the implementation
14 of the requirement of MARPOL Annex V and the
15 Act to Prevent Pollution from Ships (33 U.S.C.
16 1901 et seq.) that all United States ports and termi-
17 nals maintain receptacles for disposing of plastics,
18 including measures to ensure that a sufficient quan-
19 tity of such facilities exist at all such ports and ter-
20 minals, requirements for logging the waste received,
21 and for Coast Guard comparison of vessel and port
22 log books to determine compliance;

23 (3) regulations to require vessels, including
24 fishing vessels under 400 gross tons, entering
25 United States ports to maintain records subject to
26 Coast Guard inspection on the disposal of plastics

1 and other garbage, that, at a minimum, include the
2 time, date, type of garbage, quantity, and location of
3 discharge by latitude and longitude or, if discharged
4 on land, the name of the port where such material
5 is offloaded for disposal;

6 (4) regulations to require United States fishing
7 vessels to report the loss and recovery of fishing
8 gear and to expand to smaller vessels existing re-
9 quirements to maintain ship-board receptacles and
10 maintain a ship-board waste management plan, tak-
11 ing into account potential economic impacts, tech-
12 nical feasibility, and other factors;

13 (5) the development, through outreach to com-
14 mercial vessel operators and recreational boaters, of
15 a voluntary reporting program, along with the estab-
16 lishment of a central reporting location, for incidents
17 of damage to vessels caused by marine debris, as
18 well as observed violations of existing laws and regu-
19 lations relating to disposal of plastics and other ma-
20 rine debris; and

21 (6) a voluntary program encouraging United
22 States flag vessels to inform the Coast Guard of any
23 ports in other countries that lack adequate port re-
24 ception facilities for garbage.

1 **SEC. 5. INTERAGENCY COORDINATION.**

2 (a) INTERAGENCY MARINE DEBRIS COMMITTEE ES-
3 TABLISHED.—There is established an Interagency Com-
4 mittee on Marine Debris to coordinate a comprehensive
5 program of marine debris research and activities among
6 Federal agencies, in cooperation and coordination with
7 non-governmental organizations, industry, universities,
8 and research institutions, State governments, Indian
9 tribes, and other nations, as appropriate, and to foster
10 cost-effective mechanisms to identify, assess, reduce, and
11 prevent marine debris, including the joint funding of re-
12 search and mitigation and prevention strategies.

13 (b) MEMBERSHIP.—The Committee shall include a
14 senior official from—

15 (1) the National Oceanic and Atmospheric Ad-
16 ministration, who shall serve as the chairperson of
17 the Committee;

18 (2) the United States Coast Guard;

19 (3) the Environmental Protection Agency;

20 (4) the United States Navy;

21 (5) the Maritime Administration of the Depart-
22 ment of Transportation;

23 (6) the National Aeronautics and Space Admin-
24 istration;

25 (7) the Marine Mammal Commission; and

1 (8) such other Federal agencies that have an
2 interest in ocean issues or water pollution prevention
3 and control as the Secretary of Commerce deter-
4 mines appropriate.

5 (c) MEETINGS.—The Committee shall meet at least
6 twice a year to provide a forum to ensure the coordination
7 of national and international research, monitoring, edu-
8 cation, and regulatory actions addressing the persistent
9 marine debris problem.

10 (d) REPORTING.—

11 (1) INTERAGENCY REPORT ON MARINE DEBRIS
12 IMPACTS AND STRATEGIES.—Not later than 12
13 months after the date of the enactment of this Act,
14 the Committee, through the chairperson, and in co-
15 operation with the coastal States, Indian tribes, local
16 governments, and non-governmental organizations,
17 shall complete and submit to the Congress a report
18 examining the ecological and economic impact of
19 marine debris, alternatives for reducing, mitigating,
20 preventing, and controlling the harmful affects of
21 marine debris, and the social and economic costs and
22 benefits of such alternatives.

23 (2) CONTENTS.—The report submitted under
24 paragraph (1) shall provide recommendations on—

1 (A) establishing priority areas for action to
2 address leading problems relating to marine de-
3 bris;

4 (B) developing an effective strategy and
5 approaches to reducing, removing, and dis-
6 posing of marine debris, including through pri-
7 vate-public partnerships;

8 (C) providing appropriate infrastructure
9 for effective implementation and enforcement of
10 measures to prevent and remove marine debris,
11 especially the discard and loss of fishing gear;

12 (D) establishing effective and coordinated
13 education and outreach activities; and

14 (E) ensuring Federal cooperation with, and
15 assistance to, the coastal States (as defined in
16 section 304(4) of the Coastal Zone Management
17 Act of 1972 (16 U.S.C. 1453(4))), Indian
18 tribes, and local governments in the prevention,
19 reduction, management, mitigation, and control
20 of marine debris and its adverse impacts.

21 (3) ANNUAL PROGRESS REPORTS.—Not later
22 than 2 years after the date of the enactment of this
23 Act, and every year thereafter, the Committee,
24 through the chairperson, shall submit to the Com-
25 mittee on Commerce, Science, and Transportation of

1 the Senate and the Committee on Resources of the
2 House of Representatives a report that evaluates
3 United States and international progress in meeting
4 the purposes of this Act. The report shall include—

5 (A) the status of implementation of the
6 recommendations of the Committee and anal-
7 ysis of their effectiveness;

8 (B) a summary of the marine debris inven-
9 tory to be maintained by the National Oceanic
10 and Atmospheric Administration;

11 (C) a review of the National Oceanic and
12 Atmospheric Administration program author-
13 ized by section 3 of this Act, including projects
14 funded and accomplishments relating to reduc-
15 tion and prevention of marine debris;

16 (D) a review of United States Coast Guard
17 programs and accomplishments relating to ma-
18 rine debris removal, including enforcement and
19 compliance with MARPOL requirements; and

20 (E) estimated Federal and non-Federal
21 funding provided for marine debris and rec-
22 ommendations for priority funding needs.

23 (e) CONFORMING AMENDMENT.—Section 2203 of the
24 Marine Plastic Pollution Research and Control Act of
25 1987 (33 U.S.C. 1914) is repealed.

1 **SEC. 6. INTERNATIONAL COOPERATION.**

2 The Interagency Marine Debris Committee shall de-
3 velop a strategy and pursue in the International Maritime
4 Organization and other appropriate international and re-
5 gional forums, international action to reduce the incidence
6 of marine debris, including—

7 (1) the inclusion of effective and enforceable
8 marine debris prevention and removal measures in
9 international and regional agreements, including
10 fisheries agreements and maritime agreements;

11 (2) measures to strengthen and to improve
12 compliance with MARPOL Annex V;

13 (3) national reporting and information require-
14 ments that will assist in improving information col-
15 lection, identification and monitoring of marine de-
16bris, including plastics and derelict fishing gear;

17 (4) the establishment of an international data-
18 base, consistent with the information clearinghouse
19 established under section 7, that will provide current
20 information on location, source, prevention, and re-
21 moval of marine debris, including fishing gear;

22 (5) the establishment of public-private partner-
23 ships and funding sources for pilot programs that
24 will assist in implementation and compliance with
25 marine debris requirements in international agree-
26 ments and guidelines;

1 (6) the identification of possible amendments to
 2 and provisions in the International Maritime Organi-
 3 zation Guidelines for the Implementation of Annex V
 4 of MARPOL for potential inclusion in Annex V; and

5 (7) when appropriate assist the responsible
 6 Federal agency in bilateral negotiations to effectively
 7 enforce marine debris prevention.

8 **SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.**

9 The Under Secretary, in coordination with the Com-
 10 mittee, shall maintain a Federal information clearinghouse
 11 on marine debris that will be available to researchers and
 12 other interested parties to improve source identification,
 13 data sharing, and monitoring efforts through collaborative
 14 research and open sharing of data. The clearinghouse shall
 15 include—

16 (1) standardized protocols to map locations of
 17 commercial fishing and aquaculture activities using
 18 Geographic Information System techniques;

19 (2) a world-wide database which describes fish-
 20 ing gear and equipment, and fishing practices, in-
 21 cluding information on gear types and specifications;

22 (3) guidance on the identification of gear frag-
 23 ments; and

1 (4) the data on mapping and identification of
2 marine debris to be developed pursuant to section
3 3(b)(1) of this Act.

4 **SEC. 8. DEFINITIONS.**

5 In this Act:

6 (1) UNDER SECRETARY.—The term “Under
7 Secretary” means the Under Secretary for Oceans
8 and Atmosphere of the Department of Commerce.

9 (2) COMMITTEE.—The term “Committee”
10 means the Interagency Marine Debris Committee es-
11 tablished by section 5 of this Act.

12 (3) UNITED STATES EXCLUSIVE ECONOMIC
13 ZONE.—The term “United States exclusive economic
14 zone” means the zone established by Presidential
15 Proclamation Numbered 5030, dated March 10,
16 1983, including the ocean waters of the areas re-
17 ferred to as “eastern special areas” in Article 3(1)
18 of the Agreement between the United States of
19 America and the Union of Soviet Socialist Republics
20 on the Maritime Boundary, signed June 1, 1990.

21 (4) MARPOL; ANNEX V; CONVENTION.—The
22 terms “MARPOL”, “Annex 5”, and “Convention”
23 have the meaning given those terms in paragraphs
24 (3) and (4) of section 2(a) of the Act to Prevent
25 Pollution from Ships (33 U.S.C. 1901(a)).

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated for fiscal
3 year 2005—

4 (1) to the Secretary of Commerce for the pur-
5 pose of carrying out sections 3 and 7 of this Act,
6 \$10,000,000, of which no more than 10 percent may
7 be for administrative costs; and

8 (2) to the Secretary of the Department in which
9 the Coast Guard is operating, for the use of the
10 Commandant of the Coast Guard in carrying out
11 sections 4 and 6 of this Act, \$5,000,000, of which
12 no more than 10 percent may be used for adminis-
13 trative costs.

Calendar No. 792

108TH CONGRESS
2D Session

S. 2488

[Report No. 108-401]

A BILL

To establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

OCTOBER 11, 2004

Reported without amendment